

THE GOVERNOR ARRAIGNS A. M. BROWN ON HIS RECORD

Specifies His Unfitness For the Office He Seeks.

June 14, 1905.

Mr. P. C. Jones, Honolulu, Hawaii.

Dear Sir: In response to your request for a statement of my position in connection with the present political situation, I am very glad to give you the following:

I believe the Republican party has made a mistake in the nomination of two of its candidates—one Arthur M. Brown, for Sheriff, the other Richard Lane for Deputy Sheriff, Koolauloa. The latter is a minor office, with limited powers, and if information received is correct, the voters in that district are not going to support any such nomination. On the other hand, the question of Sheriff for the whole Island is a very different matter, and we can know only on June 20th next just what the attitude of the voters of Oahu is going to be.

There are two grounds for my belief that the party has made a mistake—one moral, the other political, and the former is by far the most important.

There comes a time with every party man when it is a question of conscience as to whether he can follow the dictum of the party, and he alone must decide.

I believe it was morally wrong to nominate Brown, for if we can judge by past experience, his administration of the office will be weak, corrupt and lawless. It is true that I did not remove Brown because of any criminal charge against him, but because of his failure to administer that office in the proper manner. My final judgment of him was that he had not the strength to resist flattery; that he yielded to temptation, and put himself in a position where he could not enforce the law and perform the duties which the office of chief of police requires. His familiarity with his subordinates perhaps won him political support, but forced him to surrender to them the control of his office. Either his judgment of men was poor, as illustrated by those he gathered around him, or he was under such obligations to them for support of one kind or other, that he could not remove them when he found them out, much less control them. It may be true that the police today are not so well satisfied, because they are required to do more; and there may not be that esprit de corps which can so often be built up by overlooking irregularities and condoning offenses, thereby sacrificing discipline and efficiency. So much for his weakness.

Now, as to corruption: It is admitted by Brown's best friends that there was considerable corruption in the Department, but they hardly thought it fair to hold Brown responsible for this. Now, this may be true. Brown may not have realized that a Chinese hackman does not present handsome silver gifts or liberally entertain the police and judiciary with champagne dinners without expecting some consideration in return. He may not have known of the tremendous extent to which gambling had taken hold of this community and was being so openly conducted. He may not have known that this gambling caused great suffering, and forced Hawaiian women to appeal to those who employed their husbands for a part at least of the wages earned in order to feed their children, complaining that their husbands gambled away all their earnings. It is not usual for Hawaiian women to wait all day on pay days around the offices so as to be there when their husbands were paid, to plead with them to save a part of their salary.

Brown may not have known that his subordinates, while on duty in uniform and drawing pay, were often wasting their time playing cards for money and drinking in saloons, failing to see wherein they differed from men of means and leisure who amused themselves in a similar manner at their clubs. He may have been sincere in his belief that the law permitted the formation and operation of the large number of illicit liquor clubs which existed under his administration, but he could not fail to see the harm being done, not only to the consumer, but to those who had paid their licenses, as required by law, and his official duty in reference to the matter was plain.

He must have known that by his order threatening to remove any employee of his department who assigned his warrant, and by leaving his cashier to distribute the warrants, that he was creating a splendid opportunity for a monopoly in the money-lending trade. He may not have known the profit that not only the money-lender was making, but that his cashier was also making. But later he had endorsed a note signed by his cashier for the necessary capital with which to carry on the business of making advances to the police officers, and it may have been that this was done with the most philanthropic intentions. But the I. O. U.'s found in the drawer amounted to much more than the principal, and if the statements of those who signed them are to be credited, the profits were not those usually associated with philanthropy.

He may have been sincere in his statement to me that the efficiency of his force could not be maintained on any smaller expenditure than that which he had finally submitted, except by replacing the Hawaiians with white men, in which case he claimed much greater efficiency could be obtained with the same amount of money; that it was impossible to make a good policeman out of an Hawaiian. But his administration of the department did not show any great attempt to coach or instruct the Hawaiians under him.

Call it weakness or what you may, the extent to which the former administration of the police department oppressed the poor, and the fear that they created through their absolute power of prosecution or persecution, may never be fully known; but gambling was open and flagrant; corruption was rampant; the greatest of friction existed between the police department and that of the Attorney General, with both of which rests the enforcement of our laws.

Those who need technical or legal proof of these statements must indeed be blind. Boys steeped in vice were being sent to the Reform School. Girls thirteen and fourteen years of age were found intoxicated. The well known click of the gambling outfit was heard on our main streets. The stranger at the Young Hotel could



GOVERNOR G. B. CARTER.

watch the clerks and young men, night after night, in their shirt sleeves, gambling across the way. A policeman, in his uniform and on his beat, would show him, if he asked, the entrance.

I do not claim that Brown alone was responsible for all this, but he held the power in his hands to prevent much of it.

I believe that this community stands for morality and desires protection from vice. I believe the native voters know the difference between right and wrong; that the intelligent and leading Hawaiians are well aware that an era of vice and intemperance will only hasten the day when their numerical superiority will be supplanted by a minority, far inferior, degraded and disgraced.

Some may ask, why my silence before the convention, and my frank and determined opposition since. Pray, tell me what do the people of this community expect from one who occupied my official position? Are they not aware of the fact that up to the very day of the convention, I had been for two months or more giving my whole energy, ability and time to work in connection with the Legislature, examining bills already passed, and attempting to point out such legislation as experience had shown was necessary and that might be neglected during the last days of the session. If my memory serves me right, just prior to the meeting of the convention, I had an unusually large number of bills on my hands, and my first duty was to pass on them. Am I then to be blamed for failing to state what should have been patent to all?

At this convention, Brown secured the nomination by the barest majority, and there were many there who could not approve of his opponent.

Now, I have heard it said the mistake of the Republican party was as much my fault as anyone else. It is easy enough to find excuses and lay blame on others, and there are many who have complained bitterly in the past of executive interference, when such did not really exist. At all events, I do not believe in crying over spilled milk. I believe the best political service a man can render is to turn out, at the primaries of his party, and work in and through his party. Nor should he leave it, because on some point he cannot in conscience agree with it. But when the party goes wrong or makes a mistake who, let me ask, renders it the best service—those who blindly submit, who placidly accept its dictum, right or wrong; who, perhaps, through fear of party discipline, are too timid to express themselves, or those who, with all the energy they possess, fearlessly point out the error, in order to preserve, if nothing more, its reputation.

This is no new stand that I am taking. You remember the Republican party named a candidate for the House of Representatives at the last regular campaign, whom it was afterwards found had forfeited his civil rights, and whose record was such it was plain many conscientious party men could not accept his nomination and vote for him. At that time I took an active part in securing the withdrawal of that candidate, pointing out that when any man found his candidacy was injuring his party, he put himself above that party if he refused to withdraw and insisted upon running; and in that case, through the help of another gentleman, the withdrawal was obtained. I believe the Republican party owes that Hawaiian a debt of gratitude. He finally saw that his running on the ticket was injuring the party, notwithstanding the offense for which he had forfeited his civil rights had occurred years before, and he thought the offense ought to have been long since forgotten and forgiven. Yet he declared that if his name would detract rather than add to the strength of the ticket presented, he would, in the interests of the party, withdraw. He did not insist that he would run, even if it did mean ruin.

From the foregoing you will see that I believe the Republicans who oppose those candidates whose records are such that they are not worthy of the honor shown them, or who have been tried and found wanting, are doing the party a service, which may not now be recognized, but which in the end will benefit it.

I believe Brown's nomination is weak from a purely political point of view. At the last county election, he was nominated by the party at a time when he had the full political support and backing of the party. His opponent, John Wise, took the field at a late day in the campaign, and almost succeeded in beating Brown; and there are those who claim (with perhaps some grounds), that one precinct was late in its returns in order to count Brown in. If such a thing was done, no greater blunder could be made, by any political party.

Certainly the voters must have a short memory and a remarkable change of heart to want to place Brown and those who are supporting him in charge of the police department. I do not believe the Hawaiians will support him; certainly they will not, if they know what is to their own best interests.

Another important political lesson is, that those who desire county government to be a success must recognize that no greater error could be committed than to launch it by the election of one to the position of Sheriff who has repeatedly and consistently re-

FOUNDATION OF EXTORTION, GRAFT AND CORRUPTION

What Peters Says is Shown in Chillingworth Case—The Jury Finds the Ex-Deputy High Sheriff Not Guilty.

(From Thursday's Advertiser.)

After a deliberation of about half an hour yesterday, the jury found Charles F. Chillingworth not guilty of extortion in the second degree, for which he had been indicted and tried. The offense was alleged to have been committed in September last, when Chillingworth was Deputy High Sheriff, by the extorting of \$15 from a Japanese man named Tajiro Sumida. Part of the case was that a Japanese woman, arrested with the man in a house at Pauahi and Smith streets, had also been made to pay Chillingworth money—\$10 in her case—to save herself from being taken to the police station.

Chillingworth's defense was not a denial of taking the money, but a showing that it was taken as bail and turned in at the police station.

Judge Lindsay, former District Magistrate; Harry Murray, High Sheriff's clerk; Jack Kalakiele, receiving station clerk; Chester Doyle, former police detective and now "criminologist" of the Attorney General's department; A. M. Brown, High Sheriff at the time in question; A. McDuffie, police detective, and the defendant himself were all called in support of the defense mentioned.

The evidence of the officials in general went to show that it was customary for officers to collect bail at the places of arrest and enter real or fictitious names of persons arrested in the station record, depositing the bail collected but not bringing the persons to the station for identification or any other purpose. Judge Lindsay stated the usual amounts of fines for the offenses with which the persons from whom Chillingworth had exacted bail were charged—that is, accepting the theory of the defense that the names on the station record stood for the persons arrested by Chillingworth and McDuffie on a certain raid. The Judge's figures corresponded to the alleged bail levies.

A. M. Brown gave anything but strong backing to the proposition that such custom of collecting bail outside was lawful business. Mr. Peters, in addressing the jury, made a special point of the limit Brown set to the theory.

There were just three circumstances, according to Brown, when the releasing of prisoners on bail without taking them to the station would be regular, namely: 1. When it would save a good deal of trouble and expense. 2. If a reputable citizen was arrested and tendered bail. 3. If a warrant was served on a person sick in bed.

None of these conditions fitted the case at bar.

McDuffie, under direct examination, told of a raid Chillingworth and he made on houses at Pauahi and Smith streets. He identified a female witness for the prosecution as one of the pair he arrested and he said the bail collected was turned in at the station. Under cross-examination he told of his career ever since he left school, beginning with his Honolulu police employment and going back. After working on Cotton Bros. & Co.'s dredge at \$4 a day he went on the force at a salary of \$60 a month. Promoted to a detective's position he was raised to \$135 a month. When the retrenchment policy of Governor Carter went into effect he was cut down to \$100 a month, but High Sheriff Brown allowed him \$25 additional for expenses. Prior to his Honolulu experience he worked for the Standard Oil Co. in San Francisco about seven and a half years, excepting a period of over a year later in the United States service in the Philippines. Before working for the Standard Oil Co. he had served an apprenticeship of three years at harness-making.

F. E. Thompson, attorney for the defendant, stated that the defense would be submitted to the jury on the court's instructions without argument.

E. C. Peters, Deputy Attorney General, did not let the Territory's case go so easy. At the outset he urged upon the jury that it was not a case where the prosecution had to construct and support a theory. There was straight evidence of the offense charged and the facts were admitted by the witnesses for the defense. He depre-

ated the prevalence of an atmosphere in the courtroom indicative of a belief that those prosecutions for graft in the police department last year were a farce.

"A condition of affairs is shown by the evidence which is a foundation of graft, of extortion and of corruption," the Deputy Attorney General thundered.

Mr. Peters drew a vivid picture of the condition thus asserted, showing how unlimited was the opportunity open to such "an able detective as McDuffie," who had the great ability "to detect a crowd in front of an icecream stand," for levying graft without stint. It was a condition of Slide, McDuffie, slide with the ball.

"That perjured evidence," Mr. Peters exclaimed as he thumped the open page of the station house record containing the entries of fictitious names of those from whom bail was said to have been collected.

"There is a condition of things," he said as he showed the record to the jury, "which is the essence and quintessence of graft, corruption and everything vile."

"The man who made the arrests made up the docket for court," Mr. Peters went on. "It would not do to have four names on the docket and have eight persons come up who had been arrested, or to have a blank record and four persons who had given bail come up."

Mr. Peters laid stress on the evidence of the former High Sheriff as showing that even that official's liberal construction of the alleged custom of collecting bail away from the station house had been grossly exceeded by the defendant in his admitted acts. He also paid some attention to the manner in which Chester Doyle had given his evidence, saying that he was "less verbose than usual" when under cross-examination by the prosecution. The easy inference was that the Deputy Attorney General regarded the "criminologist" of the Attorney General's Department as "a hostile witness" on this occasion.

In conclusion, Mr. Peters made a strong appeal to the jurors, on their oaths, to render a verdict on the plain face of the evidence, disregarding all outside influences, circumstances and prejudices. He urged them to rid their minds of the idea, to cultivate which attempts had been made, that the employment of Detective Hatter to investigate conditions here constituted a reproach to the community. They must not be carried away by any popular feeling that would hold a deputy high sheriff to be so high and mighty as to be above the law, for he was just as much amenable to the law of the land as was the speaker, the judge himself or any of themselves.

Judge De Bolt read the instructions of the court and the jury retired to consider their verdict, with the result above stated.

THE LIBEL SUIT.

J. T. McCrosson was on the stand for another day in the Ballou-Parker libel suit, continuing the story of the fight in both Honolulu and Washington for a Government license to develop the Kohala mountain water. For a part of his party's scheme, he testified yesterday, a Government license was not required, only it was a matter of importance to them that "the other fellows" did not get it.

COULT NOTES.

The trustees under the will of the late Sam. C. Allen are authorized by Judge Lindsay to invest a sum not exceeding \$50,000 in bonds of the California & Hawaiian Sugar Refining Co. Joinders in demurrer have been filed in the suits of Secondino Troche vs. Kekaha Sugar Co. and Metropolitan Meat Co. vs. Yee Hop & Co.

Leave is granted by Judge Lindsay to Sophia R. Ghaspar, guardian of her six minor children, to remortgage the property of minors.

Satisfaction of judgment for \$2,341.42 and costs of court has been filed by plaintiff in the suit of Bank of Hawaii vs. Kapiolani Estate.

Judgment by default has been entered for plaintiff in the suit of John D. Paris vs. Clinton J. Hutchins, trustee, for \$1310.56 claim and \$59.51 costs, execution therefor to issue.

Citations have been issued in the Court of Land Registration on the petitions of the S. C. Allen trustees for titles to lands in Kalihi valley containing, respectively, 0.80 acre and 0.55 acre and of Lincoln Loy McCandless for title to land at Halawa containing 1.42 acres, returnable before Judge Weaver on July 14.

refused to work in harmony with the Attorney General's Department. If, however, they are willing to sacrifice the harmony and confidence necessary to successful county government, simply for spite or to show their dissatisfaction with some step or action of mine, they are, of course, at liberty to do so.

To sum up: The Republican party has made a mistake in two of its nominees, and like some individuals, it hates to acknowledge it. Every member of it who thinks for himself at all must admit this. Of course, they can with some excuse or other try to justify it. There are those who want always to be on the winning side. Some fear party discipline, and say that their influence in the future may be injured. There are others, however, who intend to save at least their self-respect.

Very sincerely yours,

G. R. CARTER.